

**IN THE UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

STEPHEN TAPP,  
*Plaintiff,*

v.

UNIVERSITY OF TEXAS HEALTH  
SCIENCES CENTER AT HOUSTON –  
SCHOOL OF DENTISTRY,  
*Defendant.*

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**CIVIL ACTION NO. 4:11-CV-02971**

**UTHEALTH’S OPPOSITION TO PLAINTIFF’S MOTION FOR CONTINUANCE**

TO THE HONORABLE LEE H. ROSENTHAL:

Defendant The University of Texas Health Science Center at Houston (“UTHealth”) submits this opposition to Plaintiff’s Motion for Continuance [Docket #12] and would respectfully show the Court as follows:

Plaintiff’s motion should be denied. Although the Court has broad discretion to manage its own calendar for the convenience of the parties and litigants, Plaintiff has shown no good cause for continuing a conference that has been set for nearly four months. Although undersigned counsel generally believes that continuances for good cause should be granted, failure to properly calendar a court deadline does not meet such cause. Nor does Plaintiff even attempt to explain why another attorney could not cover this conference.

In this matter, Plaintiff has not diligently attempted to comply with responding substantively to any issues raised by UTHealth, instead attempting to sidestep the issues and delay in the hopes of eventually stating some kind of cognizable claim. At this point, UTHealth is entitled to know whether or not it will be a defendant in this matter – Plaintiff’s futile attempt to add a noncognizable contract claim against it notwithstanding.

For these reasons, UTHealth requests that the Court deny Plaintiff's Motion for Continuance and hold the scheduled conference on December 16, 2010. Plaintiff has not responded to UTHealth's Motion to Dismiss Plaintiff's Second Amended Complaint. In accordance with the rules of the Southern District, the motion is ripe for disposition, and UTHealth requests the court rule on the motion on or before the conference date.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT UNIVERSITY  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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